

ARTZ & ARTZ P.C.
Law OfficesRECEIVED
CENTRAL FAX CENTER

NOV 28 2005

*Intellectual Property and Technology Related Causes***FACSIMILE TRANSMITTAL SHEET**

Fax: (248) 223-9522

Phone: (248) 223-9500

TO: Mail Stop Appeal Brief -
Patents, Examiner Yonel
Beaulieu

FIRM: USPTO

FAX NO.: (571) 273-8300

=====

From: Kevin G. MierzwaDate: November 28, 2005Our File No.: 202-0923 (FGT 1692 PA)Your Ref. No. 10/619,051

Comments:

Attached is response to Examiner's ansewr dated
9/27/05.Total Pages (incl. Cover sheet): 4

The information contained in this facsimile message may be confidential and/or legally privileged information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any copying, dissemination or distribution of confidential or privileged information is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and we will arrange for the return of the facsimile. Thank you.

If there are any problems during transmission, please call:
(248) 223-9500.

Donna Kraft

(Operator)

28333 TELEGRAPH ROAD, SUITE 250, SOUTHFIELD, MICHIGAN 48034
TELEPHONE: (248) 223-9500 -- FACSIMILE: (248) 223-9522

RECEIVED
CENTRAL FAX CENTER

NOV 28 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of

Albert Chenouda Salib

Group Art Unit: 3661

Serial No.: 10/619,051

Examiner: Beaulieu, Yonel

Filed: 07/14/2003

For: SYSTEM AND METHOD FOR SENSITIZING THE ACTIVATION
CRITERIA OF A ROLLOVER CONTROL SYSTEM

Docket No: 202-0923 (FGT 1692 PA)

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to (703) 872-9306 (Centralized Facsimile Number).

Date: 11-28-2005

Signature

Kevin G. Mierzwa

REPLY TO EXAMINER'S ANSWER

Mail Stop Appeal Brief – Patents
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer dated September 27, 2005, please enter the following remarks.

REMARKS

In response to the Examiner's argument, Appellants respectfully request the Board to consider the following rebuttal.

In the last paragraph of page 4, the Examiner points to Col. 3, lines 5-37, for determining a relative roll angle. Although a roll condition is set forth, no specific teaching is set forth in Col. 3, lines 5-37, or Col. 4, lines 5 through Col. 5, line 1, for determining the relative roll angle. The relative roll angle is specifically set forth in the present invention by looking at Figure 2. The relative roll angle is the roll angle between the body and the axle or axis of the wheels. The wheel departure angle is the angle between the axis of the wheels and the road. Claim 1 is essentially a two-step process. First, the relative roll angle is determined. As was recognized by the inventors of the present invention, the relative roll angle provides some indication as to the vehicle potentially rolling over. When the relative roll angle reaches a threshold, the wheel departure angle determination is initiated. The safety system of the vehicle is controlled in response to the wheel departure angle. Those skilled in the art will recognize the advantage of the present invention. A rollover event may take place in a relatively short amount of time. As is shown in the present application, various sensors are monitored to determine the roll state of the vehicle. A considerable amount of processing power is used for these determinations. The present invention advantageously allows the relative roll angle to be determined and then when that relative roll angle reaches the threshold the wheel departure angle determination is initiated. Therefore, the important processing resource is not used until it is required.

In the first paragraph on page 5, the Examiner disagrees with Appellants' argument that a threshold is not taught. The Examiner points to the abstract for a threshold. Appellants agree that the last sentence of the abstract states, "Wheel lift is indicated when at least one of the normal forces for each of the plurality of wheels is less than a normal force threshold." This threshold, however, is not a relative roll angle threshold. The *Chubb* reference is primarily concerned with normal forces on the particular wheel. When the normal force is less than a threshold, i.e., less weight is on that side of the vehicle, the wheel may be lifted. No teaching is provided in Col. 1, line 56 through Col. 2, the abstract, or Col. 5, lines 52-58, for a relative roll angle threshold.

On page 5 the Examiner disagrees with Appellants' argument that no wheel departure angle is determined and therefore controlling a safety system in response thereto. The Examiner states, "The Examiner disagrees because item 18 in fig. 1 of *Chubb* performs


such a control upon determination of the wheel departure (lift)." Again, no specific determination of the wheel departure angle is set forth. Although lift is determined by looking at the normal loading on the wheel, no specific teaching is set forth for determining the actual wheel departure angle.

In the last paragraph the Examiner disagrees with Appellants regarding the *Chubb* reference not teaching double wheel lift. Appellants agree that double wheel lift is illustrated in the *Chubb* reference and that double wheel lift may be determined. What is not shown in the *Chubb* reference is boosting the roll signal for control in response to the double wheel lift. That is, Claim 8 implies that a single wheel lift may have a certain amount of control and if there is double wheel lift more control is added.

On page 6, first paragraph, the Examiner disagrees with the argument that *Chubb* does not teach vehicle bouncing. Vehicle bouncing is specifically described in Claim 9 as applying a brake pressure to counteract rollover, determining the vehicle may be bouncing, in response to bouncing holding the brake pressure. No specific teaching of bouncing or recognizing bouncing is set forth. The control action of Claim 9 recognizes that brake pressure may be desired to be maintained when the vehicle is bouncing to bring the vehicle back under control. In a situation such as the *Chubb* reference, control may be applied and removed upon the vehicle bouncing. Thus, Claim 9 specifically tries to circumvent the application and removal of brake pressure by holding the brake pressure.

In view of the above comments and the comments set forth in the Appeal Brief, Appellants respectfully request the Board to reverse the Examiner's position with respect to each and every claim and pass the case to issue forthwith.

Respectfully submitted,


Kevin G. Mierzwa
Registration No. 38,049
Attorney for Appellants

Date: 11/28/05

Artz & Artz, P.C.
28333 Telegraph Road, Suite 250
Southfield, Michigan 48034
(248) 223-9500